

In the instant application, independent claims 1 and 11 are based on a single disclosed embodiment, as in MPEP 806.03. For example, both claims recite an "adjustment mechanism" which includes a "short stroke hydraulic cylinder" (see claim 1, lines 10-13; and claim 11, lines 3-4 and 8-10). An embodiment of the short stroke hydraulic cylinder is described at page 4, lines 35-37 of the specification, and is identified by reference numeral 80 in Figure 3. The short stroke hydraulic cylinder 80 is not located between the frame and the scraper. Thus the invention is not properly classified in subclass 795. As both claims are in the same subclass and require only one search, the applicant submits that restriction is not required in the present case.

As such, the applicant respectfully requests re-consideration of the requirement for restriction set forth in the Examiner's letter of February 3, 2002.

3) Provisional Election

Subject to the foregoing traverse and protest, the applicant provisionally elects to prosecute claims 11 – 16, without prejudice to the applicant's rights: (a) to further protest and traverse the requirement for restriction; and (b) to prosecute claims 1 – 10 by way of continuation or division, as may be appropriate.

4) Closing Remarks

In view of the foregoing arguments, the applicant submits that all claims are in a condition for allowance. Accordingly, the applicant requests early and favourable disposition of this application.

Yours very truly,



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